

In the Matter of a Formal Complaint of the Members of Minnesota Independent Payphone Association Against U S West Communications, Inc.

ISSUE DATE: December 6, 1995

DOCKET NO. P-421/CI-95-1036

ORDER ASSERTING JURISDICTION OVER COMPLAINT, REQUIRING ANSWER AND SOLICITING COMMENTS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs  
Tom Burton  
Marshall Johnson  
Dee Knaak  
Don Storm

Chair  
Commissioner  
Commissioner  
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**PROCEDURAL HISTORY**

On October 5, 1995, the Minnesota Independent Payphone Association (MIPA) filed a formal complaint with the Commission against U S West Communications, Inc. (USWC).

On November 21, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

**A. MIPA's Complaint**

MIPA asserted that the newly enacted Minn. Stat. § 237.121 (5) prohibits a telephone company from imposing resale restrictions and that USWC's refusal to provide MIPA members with 1FB lines for resale as payphone service violates the new law.

MIPA requested the Commission to direct USWC to comply with the new law, which became effective on August 1, 1995, and require the Company to cease imposing restrictions on the resale and shared use of USWC's services and network functions. MIPA also wanted the Company to be required to provide (pursuant to the new statute) certain features for resale, such as one-party flat business line (1FB) for its pay telephone service.

## **B. USWC's Position**

USWC disagreed with MIPA's interpretation of the new statute, but agreed that the Commission should settle the parties' dispute.

## **C. The Commission's Analysis and Action**

The Commission has jurisdiction over the terms and conditions under which USWC offers its services. While the issue raised by MIPA may not be new, the enactment of new legislation relevant to MIPA's claims give the Commission reasonable grounds to reexamine these issues. Accordingly, the Commission will open a complaint docket to consider these issues and proceed as more specifically set forth in the Ordering Paragraphs.

### **ORDER**

1. The Commission hereby asserts jurisdiction over MIPA's complaint against USWC. This docket (P-421/CI-95-1036) shall serve as the vehicle for examining that complaint. A copy of the complaint and this Order shall be served upon USWC, pursuant to Minn. Rules, Part 7829.1800.
2. Within 20 days of this Order, USWC shall file with the Commission an answer to MIPA's complaint, pursuant to Minn. Rules, Part 7829.1800, Subp. 2. On the same day that it file its answer with the Commission, the Company shall serve a copy of its answer on the complainant (MIPA), the Department, and the Residential and Small Business Utilities Division of the Office of the Attorney General (RUD-OAG). In addition to answering as directed by Minn. Rules, Part 7829.1800, Subp. 2, USWC shall respond to the following questions and address any issue it believes the Commission should examine in this matter:
  - a. What is the effect of Minn. Stat. § 237.121 (5) on USWC's designation of PAL lines as the service class by which COCOT providers resell telephone service?
  - b. Should MIPA members be allowed to resell 1FB lines in stead of PAL lines for telephone service?
  - c. Should the Commission direct the refund amounts above 1FB rates paid by MIPA members to USWC since August 1, 1995?
  - d. Are PAL rates unduly discriminatory and what are the significant differences (if any) between PAL and 1FB lines in terms of technical provisioning, cost elements, pricing and other factors?
3. The following parties are encouraged to file comments in this matter: the Department, the RUD-OAG, COCOT providers, and the Minnesota Telephone Association (MTA).

Parties wishing to file comments shall follow procedures in Minn. Rules, Parts 7829.1700 - 7829.1900 and shall do so within 30 days of this Order.

4. If any parties wish to file reply comments, they must do so within 40 days of this Order.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

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